



Docket No.: 392.1815

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Naotake TAKEYAMA.

Group Art Unit: 1725

Serial No. 10/662,305

Examiner: Maria Alexandra Elve

Filed: September 16, 2003

For: WIRE ELECTRIC DISCHARGE MACHINE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In the reasons for allowance set forth starting on page 2 of the Notice of Allowability the Examiner characterizes certain features of identified claims which the Examiner states are not taught by the prior art.

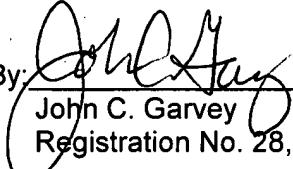
It is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. For example, claim 7 does not recite the language "in the previous automated connection attempt has succeeded." It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2-9-05

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